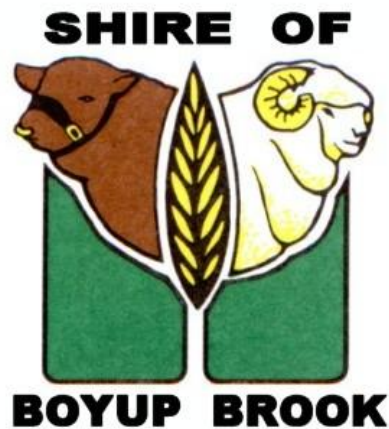


# Minutes



**ORDINARY MEETING**

held

**THURSDAY 21 March 2019**

**Commenced AT 5.00PM**

**AT**

**SHIRE OF BOYUP BROOK  
CHAMBERS**

**ABEL STREET - BOYUP BROOK**

## TABLE OF CONTENTS

<b>1</b>	<b>RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED .....</b>	<b>3</b>
1.1	Attendance.....	3
1.2	Apologies.....	4
1.3	Leave of Absence.....	4
<b>2</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>4</b>
2.1	Response to Previous Public Questions Taken on Notice .....	4
<b>3</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>4</b>
<b>4</b>	<b>PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS .....</b>	<b>4</b>
4.1	Nick Edwards from City of Busselton will be giving a presentation on Integrated Regional Waste Management .....	4
<b>5</b>	<b>DISCLOSURE OF INTEREST .....</b>	<b>4</b>
<b>6</b>	<b>CONFIRMATION OF MINUTES .....</b>	<b>5</b>
6.1	Ordinary Council Meeting - 21 February 2019.....	5
6.2	Ordinary Council Meeting - 7 March 2019 .....	5
<b>7</b>	<b>PRESIDENTIAL COMMUNICATIONS .....</b>	<b>6</b>
<b>8</b>	<b>COUNCILLORS QUESTIONS ON NOTICE.....</b>	<b>6</b>
<b>9</b>	<b>REPORTS OF OFFICERS.....</b>	<b>6</b>
9.1	MANAGER WORKS & SERVICES.....	6
9.2	FINANCE .....	6
9.2.1	List of Accounts Paid in February 2019 .....	6
9.2.2	28 February 2019 Statement of Financial Activity .....	9
9.2.3	31 January 2019 Statement of Financial Activity .....	11
9.3	ACTING CHIEF EXECUTIVE OFFICER .....	13
9.3.1	Development (Advertisement) – Lots 57 & 58 Bridge Street (IGA Store) .....	13
9.3.2	Local Structure Plan No.4A – Lot 913 Fern Valley Road, Boyup Brook. ....	18
9.3.3	Resolution to ADOPT Scheme Amendment No.17 – Lot 913 Fern Valley Road, Boyup Brook .....	28
9.3.4	Boyup Brook Early Learning Centre Age Range Extension .....	35
9.3.5	Purple Bench Project .....	39
9.3.6	Delegation of Authority: Appointment of Ranger as Authorised Officer under Various Acts and Regulations .....	42
9.3.7	Budget Amendment and Use of Common Seal – Purchase of Saleyards Land.....	46
<b>10</b>	<b>COMMITTEE MINUTES.....</b>	<b>50</b>
10.1.1	Minutes of the Swimming Pool Committee .....	50
10.1.2	Minutes of the Community Grants Committee .....	50
<b>11</b>	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>51</b>
11.1.1	Cr O'Connell - Notice of Motion.....	51
11.1.2	Cr O'Connell - Notice of Motion.....	51
11.1.3	Cr O'Connell - Notice of Motion.....	52
11.1.4	Cr Walker - Notice of Motion .....	52
<b>12</b>	<b>URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT .....</b>	<b>53</b>
<b>13</b>	<b>CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS.....</b>	<b>53</b>
13.1.1	Budget Amendment - Gratuitous payment to Mrs Audrey Smith .....	53
13.1.2	Review - Boyup Brook Transfer Station .....	54
13.1.3	Caveat on property (A13090) in lieu of non-payment of outstanding rates .....	54
13.1.4	Sale of property (A3090) in lieu of non-payment of outstanding rates .....	54

**14 CLOSURE OF MEETING .....55**

**1 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**

**1.1 Attendance**

Cr G Aird – Shire President  
Cr R Walker - Deputy Shire President  
Cr S Alexander  
Cr P Kaltenrieder  
Cr K Moir  
Cr H O'Connell  
Cr T Oversby  
Cr E Rear

STAFF: Mr Stephen Carstairs (Acting/CEO)  
Mr Steele Alexander (Manager Works & Services)  
Mrs Kay Raisin (Acting/Finance Manager)  
Mrs J Kaye (Research & Development Coordinator)  
Mrs Maria Lane (Executive Assistant)

PUBLIC: Mr N Derrick  
Mrs S White

## **1.2 Apologies**

Cr E Muncey

## **1.3 Leave of Absence**

Cr Oversby advised Council that he will not be attending the Ordinary Council meeting being held on 18 April 2019.

## **2 PUBLIC QUESTION TIME**

Mr N Derrick expressed his concern in relation to no parking bays along Cranbrook Road. Mr Derrick mentioned that truck drivers have nowhere to go if they need to change a tyre or stop for any other reason.

### **Response**

The Shire President advised Mr Derrick that the matter will be looked into.

Mr N Derrick informed Council that he has seen asbestos on roofs in the Townsite which may cause a health issue.

### **Response**

The Shire President advised Mr Derrick that he needs to write a letter to the A/CEO which will then be forwarded to the appropriate officer for action.

### **Response to Previous Public Questions Taken on Notice**

## **3 APPLICATIONS FOR LEAVE OF ABSENCE**

## **4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

<b>4.1 Nick Edwards from City of Busselton provided Council with a presentation on Integrated Regional Waste Management</b>
---

Mrs S White left the Chambers at 5.30pm

Cr Kaltenrieder attended the Ordinary Council meeting on 21 February 2019.

Cr Kaltenrieder attended the Sub-regional Growth Plan workshop on 5 March 2019.

Cr Kaltenrieder attended the Community Grants Committee meeting on 5 March 2019.

Cr Kaltenrieder attended the Special Council Meeting on 7 March 2019.

Cr Kaltenrieder attended the Annual Electors Meeting on 7 March 2019.

Cr Rear attended the Co-Op AGM on 27 February 2019.

Cr Rear attended the Rural Crime Prevention seminar on 15 March 2019.

Cr Rear attended a meeting at the Boyup Brook Club on 19 March 2019.

Cr O'Connell attended the BBTA Committee meeting

Cr O'Connell attended the Sub-Regional (Alliance of Councils) Growth Plan Workshop

Cr O'Connell attended the Community Grants Committee meeting

Cr O'Connell attended the Swimming Pool Committee meeting on 11 March 2019

Cr O'Connell attended the Busy Bee at Boyup Brook Visitor Centre

Cr O'Connell attended the Storm in a Teacup - Mad Hatters Tea Party

Cr O'Connell attended the CRC Management Committee meeting on 20 March 2019

Cr Oversby attended the Agricultural Society AGM meeting.

Cr Alexander attended a welcome barbeque at the High School.

Cr Alexander attended a School Board Meeting and mentioned that the student numbers have increased.

Cr Alexander attended the Annual Electors Meeting on 7 March 2019.

Cr Alexander attended the Sub-Regional (Alliance of Councils) Growth Plan Workshop

Cr Alexander attended the Community Grants Committee meeting.

Cr Alexander attended the Swimming Pool Committee meeting on 11 March 2019

Cr Walker attended the Annual Electors Meeting on 7 March 2019.

Cr Walker attended the Sub-Regional (Alliance of Councils) Growth Plan Workshop

Cr Walker attended the Swimming Pool Committee meeting on 11 March 2019.

Cr Walker attended a meeting in relation to timber policy implementations.

Cr Walker attending a meeting in relation to Biosecurity nationality cotton bush.

## **5 DISCLOSURE OF INTEREST**

Cr S Alexander declared a proximity interest in item 9.3.2 and 9.3.3

Cr Alexander declared an impartiality interest in item 9.3.5

Cr P Kaltenrieder declared an impartiality to item 9.3.5.

Cr P Kaltenrieder declared a proximity interest in item 9.3.2 and 9.3.3.

Cr H O'Connell declared an impartiality to item 9.3.5

Cr T Oversby declared an impartiality in item 9.3.5.

Cr T Oversby declared a financial interest in item 13.1.2.

## **6 CONFIRMATION OF MINUTES**

### **6.1 Ordinary Council Meeting - 21 February 2019**

#### **COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 6.1**

**MOVED:** Cr Alexander

**SECONDED:** Cr O'Connell

**That the minutes of Ordinary Council Meeting held on Thursday 21 February 2019 be confirmed as an accurate record.**

**CARRIED 8/0**

**Res 35/19**

### **6.2 Special Council Meeting - 7 March 2019**

#### **COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 6.2**

**MOVED:** Cr Oversby

**SECONDED:** Cr Alexander

**That the minutes of Special Council Meeting held on Thursday 7 March 2019 be confirmed as an accurate record.**

**CARRIED 8/0**

**Res 36/19**

## **7 PRESIDENTIAL COMMUNICATIONS**

Attending a meeting with the A/CEO and Deputy President in relation to units at the Flax Mill Caravan Park.

Attended a COMHAT Committee meeting on 5th March 2019.

Attended a Regional Road Group meeting with the MWKS in Eaton.

Was interviewed by the ABC in relation to the short term accommodation options.

Attended a Crime Prevention seminar.

Ladies Day at Rylington Park - Stood at the gate.

## **8 COUNCILLORS QUESTIONS ON NOTICE**

## **9 REPORTS OF OFFICERS**

### **9.1 MANAGER WORKS & SERVICES**

Nil

### **COUNCIL DECISION**

**MOVED: Cr Walker**

**SECONDED: Cr O'Connell**

**That the Council adopts enbloc 9.2.1, 9.2.2 and 9.2.3.**

**CARRIED 8/0**

**Res 37/19**

### **9.2 FINANCE**

<b>9.2.1 List of Accounts Paid in February 2019</b>
---

Location:	Not applicable
Applicant:	Not applicable
File:	FM/1/002
Disclosure of Officer Interest:	None
Date:	14/03/19
Author:	Carolyn Mallett - Acting Accountant and Kay Raisin – Acting Finance and HR Manager
Authorising Officer:	Stephen Carstairs – Acting Chief Executive Officer
Attachments:	Yes – List of Accounts Paid in February

---

### **SUMMARY**

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in February 2019 are presented to Council.

## **BACKGROUND**

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 28 February 2019.

## **COMMENT**

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 28 February 2019.

## **CONSULTATION**

Nil

## **STATUTORY OBLIGATIONS**

Local Government (Financial Management) Regulations 1996, Regulations 12 and 13 apply and are as follows:

### *12. Payments from municipal fund or trust fund*

*(1) A payment may only be made from the municipal fund or the trust fund —*

- (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
- (b) otherwise, if the payment is authorised in advance by a resolution of the council.*

*(2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

### *13. Lists of accounts*

*(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

*(2) A list of accounts for approval to be paid is to be prepared each month showing —*

- (a) for each account which requires council authorisation in that month —*
  - (i) the payee's name;*
  - (ii) the amount of the payment; and*

- (iii) *sufficient information to identify the transaction;*  
*and*
  - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub regulation (1) or (2) is to be —*
  - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - (b) *recorded in the minutes of that meeting.*

**POLICY IMPLICATIONS**

Council's *Authority to Make Payments Policy* has application.

**BUDGET/FINANCIAL IMPLICATIONS**

Account payments accorded with a detailed 2018-19 Annual Budget

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.2.1**

That at its March 2019 ordinary meeting Council receive as presented the list of accounts paid in February 2019, totalling \$644,403.28 from Municipal account, \$184.95 from Trust account, \$59,746.00 from Police Licensing account and \$12.96 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20259 - 20265	\$ 25,305.35
Municipal Electronic Payments	EFT7634 – EFT7725	\$ 383,518.29
Municipal Direct Payments		\$ 255,579.64
Trust Cheques	2164 - 2165	\$ 184.95
Police Licensing Payments		\$ 59,746.00
Boyup Brook Early Learning Centre		\$ 12.96

CARRIED BY ENBOC

Res 38/19



**9.2.2 28 February 2019 Statement of Financial Activity**

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	15 March 2019
Authors:	Kay Raisin - A/Finance and HR Manager
Authorizing Officer:	Stephen Carstairs Acting Chief Executive Officer
Attachments:	Yes – 28 February 2019 Financial Reports

---

**SUMMARY**

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 28 February 2019..

**BACKGROUND**

Section 6.4 of the Local Government Act 1995 places financial reporting obligations on local government operations.

Regulation 34.(1)–(4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a Statement of Financial Activity.

The regulations also prescribe the content of the reports, and that details of items of Material Variances shall also listed.

**COMMENT**

It is a statutory requirement that the statement of financial activity be prepared each month (Regulation 34.(1A)), and that it be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates (Regulation 34.(4)(a)).

**CONSULTATION**

Nil

**STATUTORY OBLIGATIONS**

Local Government (Financial Management) Regulations 1996, Regulation 34.(1A)

Local Government (Financial Management) Regulations 1996, Regulation 34.(4)(a)

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

As presented in the attached reports.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.2.2**

That having had regard for any material variances, Council receive the 28 February 2019 Statement of Financial Activity and Statement of Net Current Assets, as presented.

CARRIED BY ENBOC

Res 39/19

<b>9.2.3 31 January 2019 Statement of Financial Activity</b>
--

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	15 March 2019
Authors:	Kay Raisin - A/Finance and HR Manager
Authorizing Officer:	Stephen Carstairs Acting Chief Executive Officer
Attachments:	Yes – 31 January 2019 Financial Reports

---

### **SUMMARY**

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 31 January 2019.

### **BACKGROUND**

Section 6.4 of the Local Government Act 1995 places financial reporting obligations on local government operations.

Regulation 34.(1)–(4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a *Statement of Financial Activity*.

The regulations also prescribe the content of the reports, and that details of items of Material Variances shall also listed.

### **COMMENT**

It is a statutory requirement that the statement of financial activity be prepared each month (Regulation 34.(1A)), and that it be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates (Regulation 34.(4)(a)).

### **CONSULTATION**

Nil

### **STATUTORY OBLIGATIONS**

Local Government (Financial Management) Regulations 1996, Regulation 34.(1A)

Local Government (Financial Management) Regulations 1996, Regulation 34.(4)(a)

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

As presented in the attached reports.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.2.3**

**That having had regard for any material variances, Council receive the 31 January 2019 Statement of Financial Activity and Statement of Net Current Assets, as presented.**

**CARRIED BY ENBOC**

**Res 40/19**

### 9.3 ACTING CHIEF EXECUTIVE OFFICER

#### 9.3.1 Development (Advertisement) – Lots 57 & 58 Bridge Street (IGA Store)

Location:	Lots 57 & 58 Bridge Street (IGA Store)
Applicant:	Lotterywest
File:	A
Disclosure of Officer Interest:	None
Date:	21 March 2019
Author:	A. Nicoll, Town and Regional Planner
Authorizing Officer:	Stephen Carstairs (Acting Chief Executive Officer)
Attachments:	Nil

---

#### **SUMMARY**

The purpose of this report is to put before Council the request to develop an advertisement.

The advertisement is proposing to advertise 'Lotterywest'.

The advertisement is proposed to be developed on the fascia of the awning developed at the IGA general store.

The Shire's *Local Planning Scheme No.2* states the following at clause 8.1.1:

*For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose in development within the definition of the Act requires, except as otherwise provided, the prior approval of the Council.*

This report item recommends that the Council support the proposed advertisement as it is not expected to affect the amenity of the area or obstruct visual sightlines of vehicles or obstruct pedestrian movement.

#### **BACKGROUND**

In 2017, the Shire approved a Lotterywest sign, proposed to be located hanging under the awning of the IGA store.

The Shire of Boyup Brook has now received a new application proposing to develop an advertisement on the fascia of the awning at the IGA store.

**COMMENT**

Design

The advertisement is designed as follows:

- Above awning advertisement (on awning fascia);
- 2.2m long and 260mm wide;
- Aluminium Material.

The following illustrates the proposed location and shape of the advertisement.



The advertisement is not expected to impact upon the amenity of the area due to its proposed location (setback from street) and small size.

The advertisement is also not expected to obstruct visual sightlines of vehicles or obstruct pedestrian movement.

**STATUTORY OBLIGATIONS**

Shire's Local Planning Scheme No. 2

The Shire's Local Planning Scheme No.2 defines 'advertisement' as follows:

*any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne*

*device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.*

The Shire's *Local Planning Scheme No.2* states the following at clause 8.1.1:

*For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose in development within the definition of the Act requires, except as otherwise provided, the prior approval of the Council.*

The Shire's *Local Planning Scheme No.2* states the following at clause 8.3:

*Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.*

As per the above clause 8.3, if approval is granted for the proposed advertisement, the following condition should be specified:

*The advertisement is not to be illuminated during periods when the business (IGA store) is not open for customers.*

The Shire's *Local Planning Scheme No.2* states the following at clause 8.4:

*...the Council's prior consent is not required in respect of those advertisements listed in Schedule 9 which, for the purpose of this Part, are referred to as 'exempted advertisements'.*

*Schedule 9...Exempted sign... All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.*

There is an awning and the sign is proposed to be developed above the awning, meaning the sign is not exempt from the scheme requirement.

The Shire's *Local Planning Scheme No.2* states the following at clause 8.6:

*Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may, by notice in writing, require the advertiser to:-*

*i) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice, or*

ii) *remove the advertisement.*

As per the above clause 8.6, if approval is granted for the proposed advertisement, the following condition should be specified:

*The advertisement being maintained to the satisfaction of the Shire of Boyup Brook.*

#### **POLICY IMPLICATIONS**

There are no policy implications relating to this item.

#### **CONSULTATION**

N/A

#### **VOTING REQUIREMENTS**

Simple majority.

#### **SUMMARY**

In accordance with *Local Planning Scheme No.2*, in considering an application for an advertisement, Council is to consider any potential impact to the amenity of the area and the need to ensure that advertisements are properly maintained.

Due to the small size of the proposed 'Lotterywest' advertisement and the location of the advertisement - well setback from the street, the advertisement is not expected to impact on the amenity of the area.

Approval should be on the conditions that the advertisement is maintained to a reasonable standard and that the advertisement is not illuminated during periods when the business (IGA store) is not open for customers.

#### **COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.1**

**MOVED: Cr Oversby**

**SECONDED: Cr Rear**

**That Council**

**Grants development approval for advertisement at Lots 57 & 58 Bridge Street, subject to the following notice:**



**Planning and Development Act 2005**

**Shire of Boyup Brook**

**NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL**

Location: Lots 57 & 58 Bridge Street

Description of proposed development:

**Advertisement**

The application for development is approved subject to the following conditions.

Conditions:

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development shall occur in accordance with the approved plans.
2. The advertisement being maintained to the satisfaction of the Shire of Boyup Brook.

Advice

*Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may, by notice in writing, require the advertiser to:-*

*i) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice, or*

*ii) remove the advertisement.*

3. The advertisement is not to be illuminated during periods when the business (IGA store) is not open for customers.

Date of determination: 21 March 2019

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:

Dated:

\_\_\_\_\_

\_\_\_\_\_

for and on behalf of the Shire of Boyup Brook.

**CARRIED 8/0**

**Res 41/19**

**Proximity Interest**

Cr Kaltenrieder and Cr Alexander declared a proximity interest in item 9.3.2 as they reside close to the property and left the Chambers at 6.26pm.

<b>9.3.2 Local Structure Plan No.4A – Lot 913 Fern Valley Road, Boyup Brook.</b>
--

Location:	Lot 913 Fern Valley Road
Applicant:	McRobert Planning Pty Ltd
File:	A
Disclosure of Interest:	None
Date:	21 March 2019
Author:	A Nicoll, Town & Regional Planner
Authorizing Officer:	Stephen Carstairs (Acting Chief
Attachments:	Executive Officer)
	Local Structure Plan No.4A document
	Local Structure Plan No.4A map
	Submissions
	Schedule of Submissions
	Recommendations

---

**SUMMARY**

The application for consideration proposes a LOCAL structure plan to guide future subdivision and development of land described as Lot 913 Fern Valley Road, Boyup Brook.

The landholder of Lot 913 Fern Valley Road, wishes to subdivide the land into three lots comprising approximately 20ha, 12ha and 8ha.

Prior to the Western Australian Planning Commission considering a subdivision application for the subject land, a LOCAL structure plan needs to be endorsed by the Commission.

The Local Government's role is to make a recommendation on the local structure plan, to the Commission.

Council is requested to consider submissions pertaining to the Local Structure Plan No.4A and to recommend that the Western Australian Planning Commission support the structure plan subject to modifications.

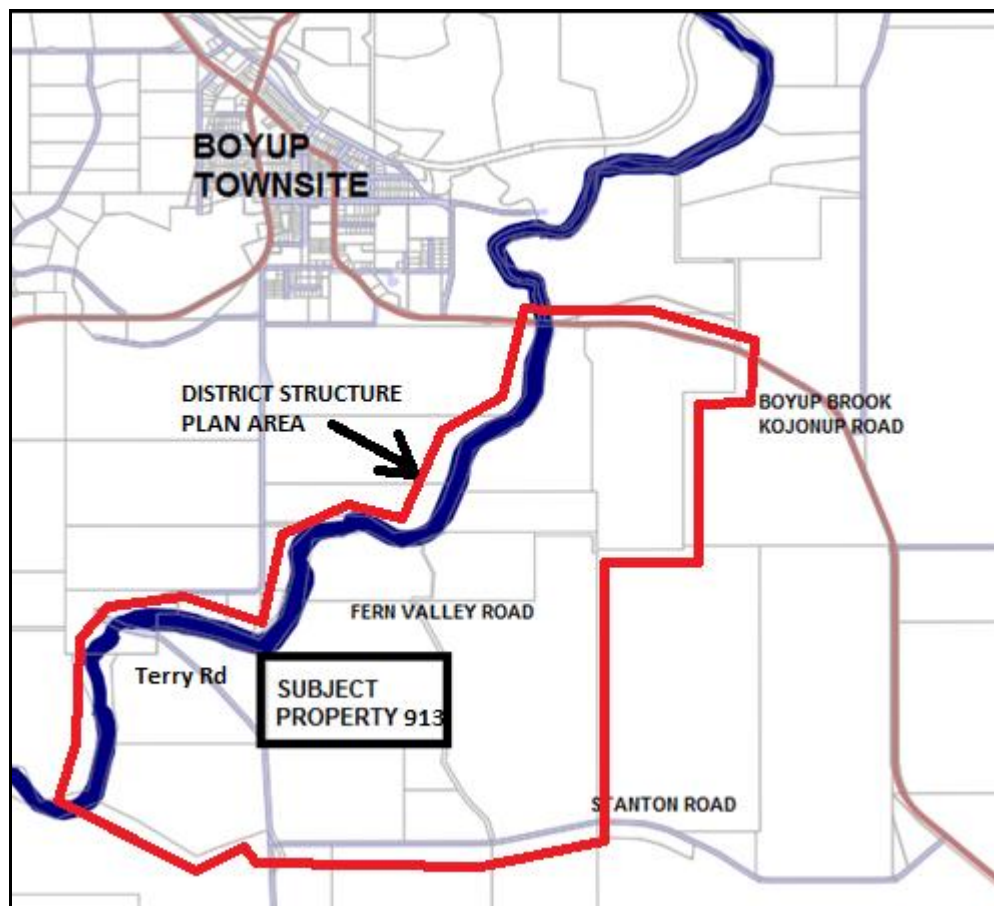
**BACKGROUND**

In 2016, the Western Australian Planning Commission endorsed a DISTRICT structure plan pertaining to land south of the Boyup townsite and south of the Blackwood River.

The DISTRICT structure plan indicated:

- Location of future roads;
- Location of fire access routes;
- Bushfire hazard areas;
- Setback to the Blackwood River for effluent disposal units; and
- Setback to creeks for landscape management.

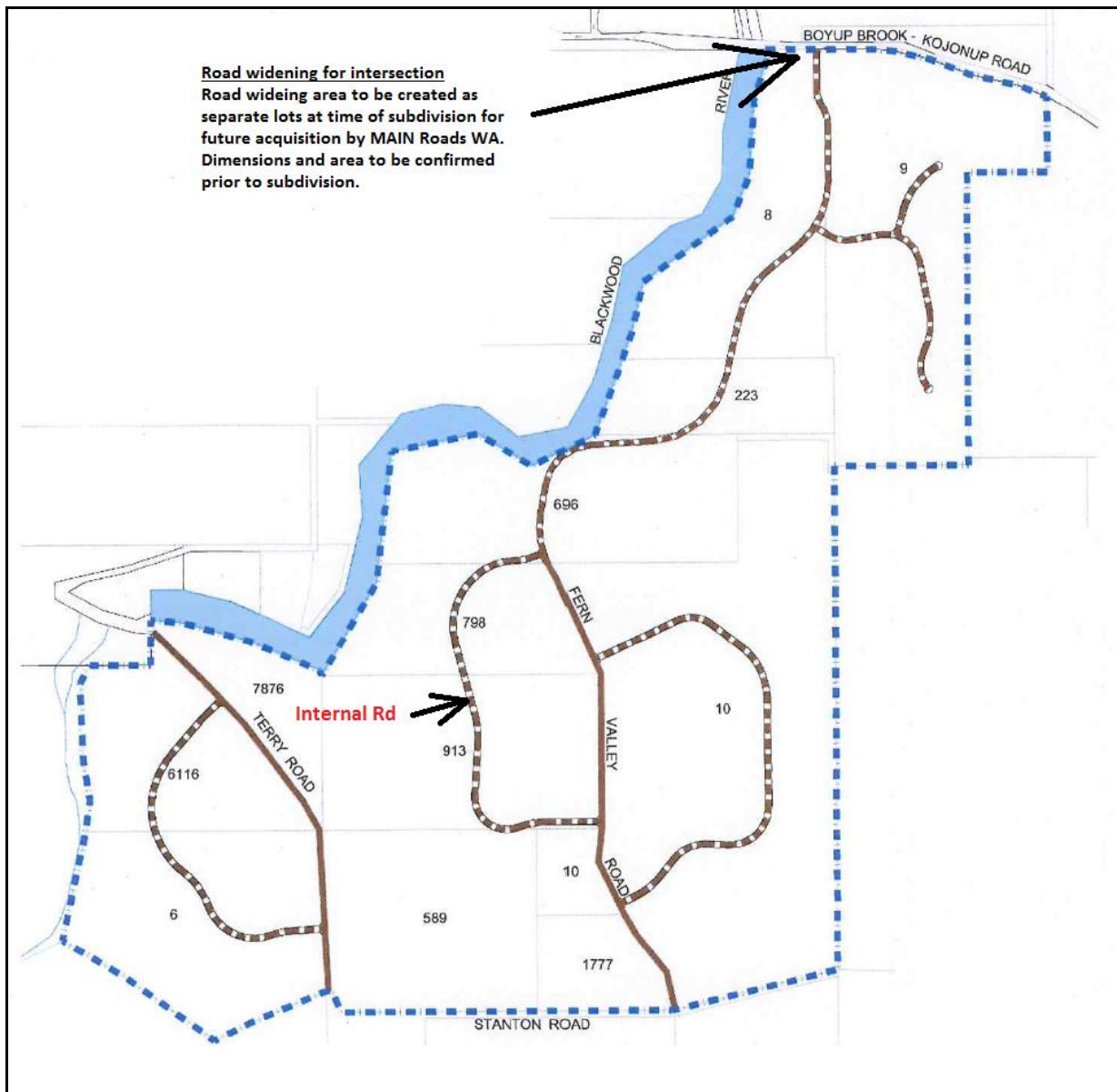
The following map illustrates areas captured by the DISTRICT structure plan and including the Lot 913.



The DISTRICT structure plan also made requirements for the preparation of a LOCAL structure plan to show:

- Standard of intersection with Kojonup Road;
- A road contributions plan; and
- Assessment to determine foreshore protection areas.

The following map indicates the intersection with the Boyup Brook Kojonup Road and an internal road through Lot 913 as shown by the DISTRICT structure plan.



A LOCAL structure plan and bushfire management plan, pertaining to Lot 913 Fern Valley Road, have now been submitted for council deliberation.

#### **COMMENT**

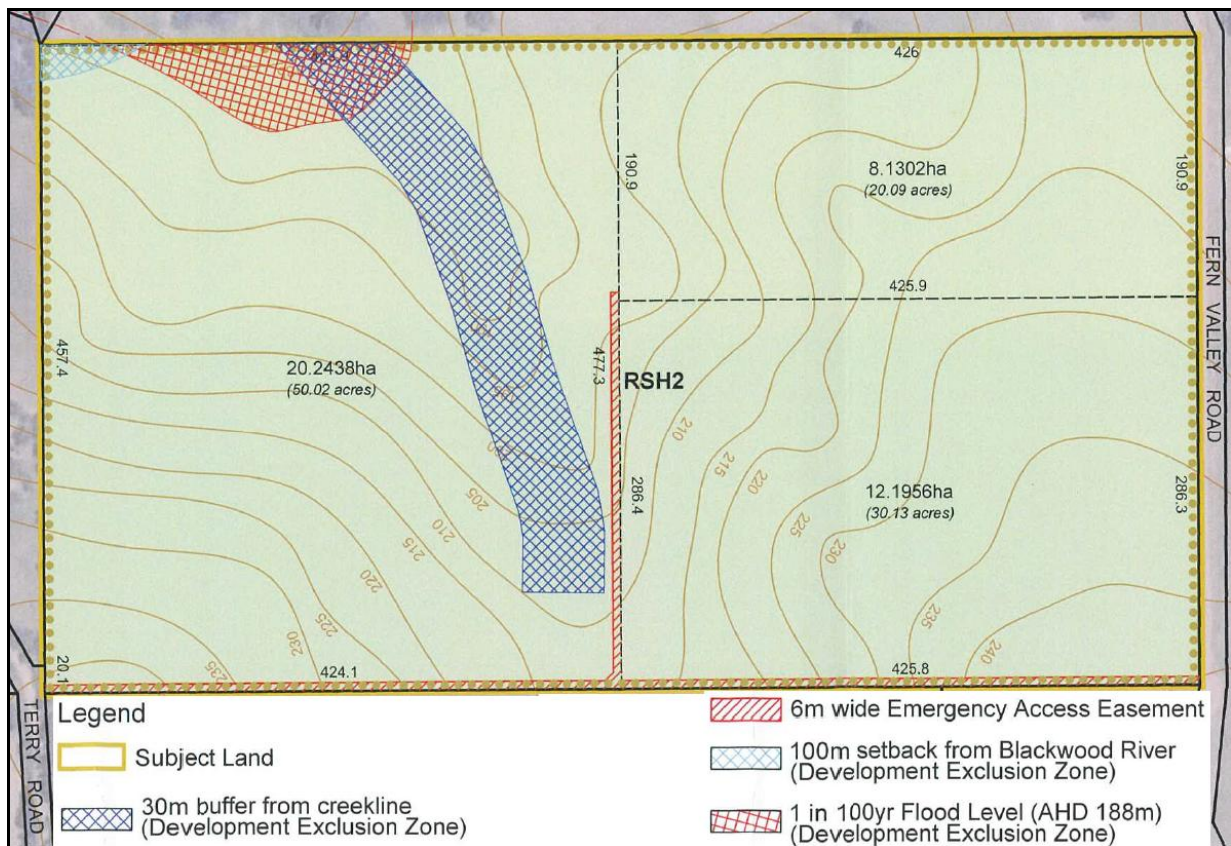
The subject Lot 913 Fern Valley Road measures 40.58 hectares and is located approximately 7km from the Boyup Brook Town Centre via Terry and Stanton Roads.

The local structure plan shows:

1. The potential for a 3 lot subdivision (20ha, 12ha and 8ha);
2. Access to two proposed lots via Fern Valley Road;
3. Access to one proposed lot via Terry Road;

4. Emergency fire access;
5. Setback to the Blackwood River for effluent disposal units; and
6. Development setback to a creek.

The following is the submitted LOCAL structure plan map for Lot 913 Fern Valley Road.



#### Assessment to determine foreshore protection.

As recommended by the DISTRICT structure plan, the local structure plan has indicated foreshore protection areas.

This Council report item recommends that the local structure plan, includes a condition requiring, at the time of subdivision, the development of a Revegetation Plan to guide management of foreshore protection areas.

#### Road and intersection development/contributions

In making a decision on the proposed local structure plan, the Council is obliged to draw conclusion from its adopted DISTRICT Structure Plan, which shows a new proposed road and which states:

*A 'Detailed Structure Plan' is to be prepared...and is to include...the standard of the intersection with Kojonup Road for the ultimate development in SPA4...and...external road construction standards, upgrading and contributions...*

The local structure plan submitted for Lot 913 does not include a new proposed road and does not include the standard of the intersection with Kojonup Road or external road construction standards, upgrading and contributions.

The Department of Fire and Emergency Services questioned why compliance with the DISTRICT structure plan and the 'Guidelines for Planning in Bushfire Prone Areas' has not been achieved through the development of a road through the subject Lot 913.

Shire staff informally consulted with the Department of Planning, Lands and Heritage on this matter and the following was stated (officer level email – informal comment):

*"..... the Department would not likely require a Development Contribution Plan for the proposed intersection on Boyup Brook-Kojonup Road to inform its assessment on the proposed structure plan for Lot 913 Fern Valley Road, Boyup Brook as:*

- *There is an insufficient nexus between the proposed subdivision and the intersection upgrade at this time;*
- *The lots have the ability to be further subdivided and a provision can be included in the structure plan that outlines that any further subdivision will be subject to contributions under a development contribution plan.*
- *The subdivision of the land does not require the intersection to be constructed or any current extensions to the road network.*

The Department of Planning, Lands and Heritage also stated (officer level email – informal comment):

- *Relating to the road, an indicative future road reserve could be depicted on the structure plan inside the eastern boundary of the proposed 20ha lot.*

Based on comments from the Department of Planning, Lands and Heritage, it is recommended that the Council agree to recommend that the Western Australian Planning Commission approve the local structure plan, subject to conditions requiring that any further subdivision:

1. Contributes to road and intersection treatments as may be required under a development contribution plan; and
2. Develops an internal road as depicted on the DISTRICT structure plan.

The above recommendation is based on the Department of Planning, Lands and Heritage comment that there is an insufficient nexus between the proposed subdivision and road/intersection developments/contributions.

## **STATUTORY OBLIGATIONS**

Lot 913 is currently zoned 'Rural' under the terms of the Shire of Boyup Brook *Local Planning Scheme No 2*.

Clause 10.1.3.5 of the *Local Planning Scheme No 2* states:

*Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan and any associated provisions contained in Schedules...12 as applicable and 13.*

Schedule 13 of the scheme states:

### *Matters to be Addressed in Structure Plans*

- *Land capability.*
- *Suitability of the granite ridge areas for development.*
- *River flood levels.*
- *River corridor enhancement.*
- *Public access to the river.*
- *Storm water management.*
- *Servicing.*
- *Possible road connection from the Boyup Brook-Kojonup Road to Fern Valley Road.*
- *Landscape protection and view sheds.*
- *Upgrading of the river crossing at Terry Road.*
- *Low key tourist uses.*
- *Intersection/access point to Boyup Brook-Kojonup Road.*
- *Stream Protection Buffers, including rehabilitation works.*

As depicted in the Shire's scheme maps, the subject Lot 913 is located within an endorsed 'DISTRICT Structure Plan Area (No.4)'.

The endorsed DISTRICT structure plan states:

1. *This Structure Plan is prepared, approved and operated pursuant to Section 10.1 of the Shire of Boyup Brook Town Planning Scheme No.2. As such, the 'Operation of Structure Plan' provisions pursuant to clause 10.1.7 [10.1.7 relates to operation matters relating to a structure plan] apply including, but not limited to, any Reserves or Zones applied to the Structure Plan. Further, these standards and requirements form scheme provisions pursuant to clause 10.1.7.3 (e) of the Scheme.*
2. *The rural small holdings subdivision, land use and development provisions do not apply until such time as the subject land is included in the Rural Small Holdings Zone.*
3. *A 'Detailed Structure Plan' is to be prepared and approved for each individual Rural Small Holdings zone in accordance with the Structure Plan Area No. 4 and is to include the following:*
  - *The standard of the intersection with Kojonup Road for the ultimate development in SPA4 and any associated land requirements for this;*
  - *External road construction standards, upgrading and contributions as outlined in the Road Contributions Plan; and*

- *A biophysical assessment to identify an accurate foreshore protection area to the Blackwood River. Those lots fronting the river are also required to prepare and implement a Foreshore Management Plan*
- 4. *Design of any development should be compatible with rural landscape and adjacent agricultural areas.*
- 5. *All development of dwellings and associated effluent disposal or alternative sewerage systems adjoining the river are required to be east of the 'development setback line'.*

## **CONSULTATION**

The DETAILED structure plan was referred to landholders in the locality and agencies, including:

- Department of Planning, Lands and Heritage (informal consultation)
- Department of Fire and Emergency Services
- Department of Water and Environmental Regulation
- Telstra Corp
- Water Corporation
- Western Power
- Department of Biodiversity, Conservation and Attractions
- Main Roads Western Australia
- Public Health Division

Comment was received from the following departments:

- Department of Planning Lands and Heritage (informal comment via email – officer level comment)
- Department of Fire and Emergency Services
- Department of Water and Environmental Regulation
- Water Corporation
- Department of Health.

The Department of Planning, Lands and Heritage informally commented that there is an insufficient nexus between the proposed three lot structure plan proposal and any road/intersection development/contributions.

The Department of Water and Environmental Regulation and the Water Corporation commented that rainwater collection and onsite effluent disposal as indicated within the Structure Plan documentation will need to be utilized.

The Department of Health commented that a winter site and soil evaluation in accordance with AS1547 will need to be provided prior to commencement of any works.



It is recommended that the Council agree to recommend that the Western Australian Planning Commission include a condition in the structure plan that requires, at the subdivision stage, a winter site and soil evaluation in accordance with AS1547.

The Department of Fire and Emergency Services commented that the structure plan should be deferred pending modifications to the bushfire management plan. The local structure plan included a Bushfire Management Plan, which concluded that:

- Adequate separation between future development and bushfire hazard areas can be achieved;
- An emergency access way is provided to link the public road network from the east to the west for access in favour of the subdivision lots;
- Developers will be required to contribute to a water supply (e.g. water tank) and stand pipe managed by the Shire, for fire fighting purposes.

The Department of Fire and Emergency Services identified a number of issues with the bushfire management plan, including:

- Some of the vegetation classifications and the hazard levels should be reviewed to apply a worst case scenario as per the Australian Standards 3959; and
- The bushfire management plan has not demonstrated why two different access roads cannot be achieved. The District structure plan indicates a proposed road, however this is not depicted in the bushfire management plan. Inconsistencies with the bushfire management plan and structure plan should be addressed.

It is recommended that the Council agree to recommend that the Western Australian Planning Commission (WAPC) defer consideration of the structure plan pending modifications to the bushfire management plan and structure plan in association with DFES comments to the satisfaction of the WAPC.

### **STRATEGIC IMPLICATIONS**

It is recommended that the Council agree to recommend that the Western Australian Planning Commission delete the structure plan requirement, which refers to the development of a 'Strategic' water supply (e.g. water tank) and stand pipe, to be managed by the Shire.

The structure plan area is within 7km of the Boyup townsite where a large reservoir of water is located and where reticulated water is also available as a resource for fire fighting purposes.

Instead of having to provide a 'Strategic' water supply, each landholder should be required to provide private water tanks with capacity to provide water for fire fighting purposes.

### **POLICY IMPLICATIONS**

There are no policy implications relating to the proposed structure plan.

### **BUDGET/FINANCIAL IMPLICATIONS**

Long term future costs to the Shire, in association with subdivision and development of the area may include:

- Cost sharing for a future road intersecting the Boyup Kojonup Road;
- Upgrading of the river crossing at Terry Road; and
- Rehabilitation and maintenance works associated with the Blackwood River.

### **VOTING REQUIREMENTS**

Simple majority.

### **CONCLUSION**

The proponent of Lot 913 Fern Valley Road intends on subdividing the Lot 913 into three lots. Prior to subdivision, a structure plan needs to be endorsed by the Western Australian Planning Commission.

A structure plan has been developed and advertised. Comments have been received and in particular, the Department of Fire and Emergency Services has recommended that the structure plan is deferred until such time that bushfire management issues are resolved.

It is recommended that the Council agree to recommend that the Western Australian Planning Commission approve the structure plan subject to modifications on matters relating to:

- Bushfire management and in particular vegetation classifications, BAL contour map, access and water supply;
- A winter and soil site evaluation;
- Revegetation plan; and
- Any further subdivision being subject to development of an internal road and contributions (intersection and road upgrades) under a development contribution plan.

### **COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.2**

**MOVED: Cr Oversby**

**SECONDED: Cr Moir**

**THAT Council, pursuant to section 75 of the Planning and Development Act 2005 and Regulation 20. (2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to:**

**1. Recommend that the Western Australian Planning Commission approve Local Structure Plan No.4A subject to the following modifications:**

- a) The structure plan and bushfire management plan being modified to address issues associated with vegetation classifications, hazard levels and BAL contour map as indicated by the Department of Fire and Emergency Services.**

- b) A condition is included in the structure plan that requires, at the subdivision stage, a winter site and soil evaluation in accordance with AS1547.
- c) A condition is included in the structure plan that requires, at the subdivision stage, a revegetation plan for areas adjacent to creeks and the Blackwood River.
- d) A condition is included in the structure plan that requires, for any additional subdivision (in addition to a three lot subdivision at Lot 913 Fern Valley Road), a development contribution plan for road and intersection upgrades.
- e) A condition is included in the structure plan that requires, for any additional subdivision (in addition to a three lot subdivision at Lot 913 Fern Valley Road), the development of a road through Lot 913 Fern Valley Road, in accordance with the District structure plan.
- f) The existing structure plan condition requiring contribution to the development of a 'Strategic' water supply is deleted for the following reason:

The Shire has a large reservoir of water and reticulated water in the townsite within 7km of the subject area, which is available as a resource for fire fighting purposes.

- g) A condition is included in the bushfire management plan and structure plan that requires, at the development stage, the development of private lot water tanks, with capacity to provide sufficient water for fire fighting purposes.
- 2. Forward structure plan documentation and submissions to the Western Australian Planning Commission with a request that the Commission grant approval to the structure plan (with modifications).
  - 3. Advise the applicant/owner and those who lodged a submission of the Council decision accordingly.

CARRIED 6/0

Res 42/19

**Proximity Interest**

Cr Kaltenrieder and Cr Alexander declared a proximity interest in item 9.3.3 as they reside close to the property and left the Chambers at 6.26pm.

<b>9.3.3 Resolution to ADOPT Scheme Amendment No.17 – Lot 913 Fern Valley Road, Boyup Brook</b>
---

Location:	Lot 913 Fern Valley Road
Applicant:	McRobert Planning Pty Ltd
File:	
Disclosure of Officer Interest:	None
Date:	21 March 2019
Author:	A. Nicoll, Town & Regional Planner
Authorizing Officer:	Stephen Carstairs (Acting Chief Executive Officer)
Attachments:	Scheme Amendment No.17 Document

---

**SUMMARY**

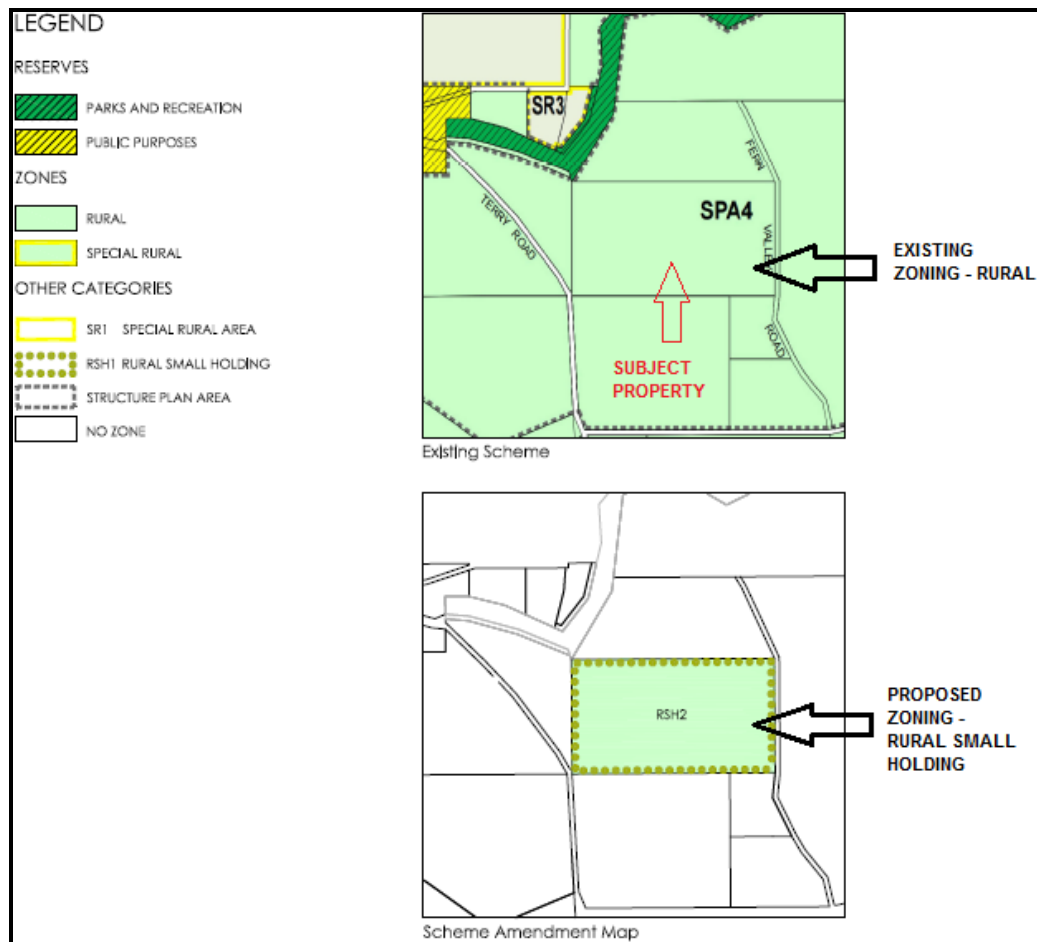
The purpose of this report is to put before Council the request to adopt for advertising purposes, the Amendment No.17, to the Shire of Boyup Brook *Local Planning Scheme 2*.

The amendment involves:

1. Rezoning Lot 913 Fern Valley Road, Boyup Brook from 'Rural' zone to 'Rural Small Holding' zone;
2. Including appropriate special conditions relating to Lot 913 Fern Valley Road into the Shire's scheme at 'Schedule 12'; and
3. Amending the scheme maps accordingly.

The subject Lot 913 is 40.58ha in area and is located south east of the Boyup Brook town site.

The following figure illustrates the existing zoning (Rural) and the proposed zoning (Rural Small Holding).



Council discretion is required in accordance with regulations 35(1) and 35(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, which states:

*r.35 (1) A resolution of a local government to prepare or adopt an amendment to a local planning scheme must be in a form approved by the Commission.*

*r.35 (2) A resolution must —*

- (a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and*
- (b) include an explanation of the reason for the local government forming that opinion.*

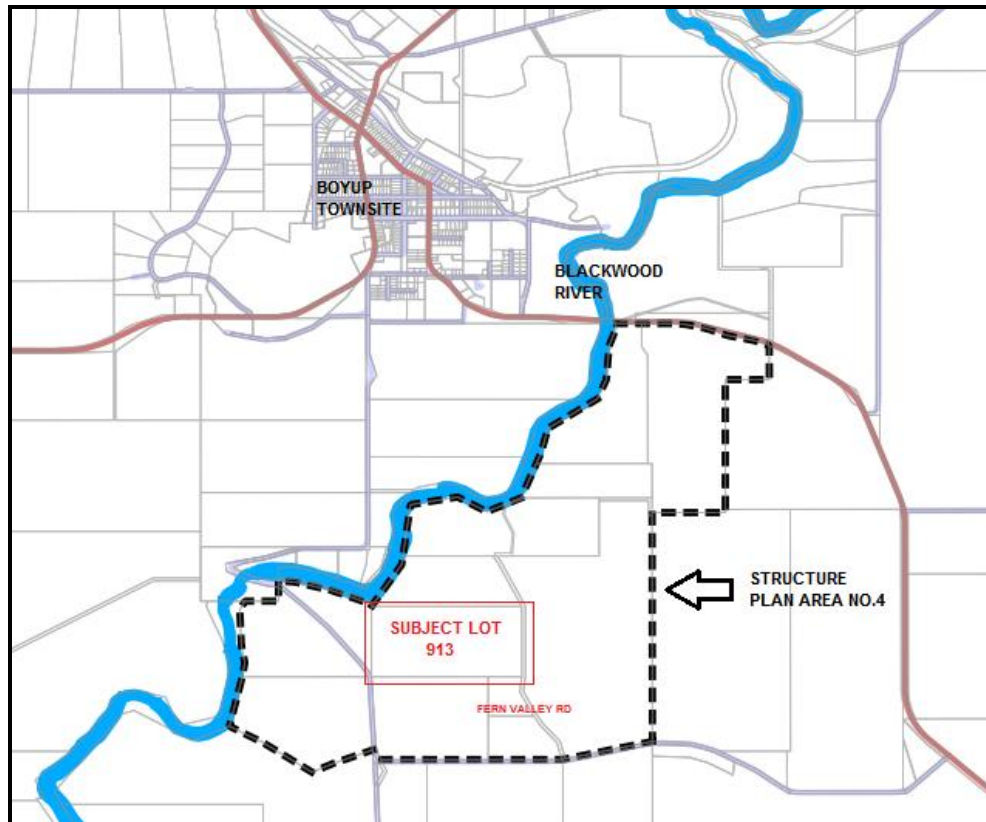
The amendment is a 'Standard' scheme amendment and the following reasons apply:

- a) The amendment is consistent with a structure plan that has been approved under the scheme for the land to which the amendment relates;
- b) The amendment will have minimal impact on land in the scheme area that is not the subject of the amendment; and
- c) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.

## **BACKGROUND**

Lot 913 is currently zoned 'Rural' under the terms of the Shire of Boyup Brook *Local Planning Scheme No 2*.

A 'District Structure Plan Area No.4' has been endorsed to guide land use, development and subdivision in the area defined by the dotted line in the following plan. The subject Lot 913 falls within the overall Structure Plan Area No.4.



The Shire's scheme (Schedule 13 – Structure Plan Areas) has identified the land as being suitable for 'Rural Small Holdings'.

A Local Structure Plan is currently being processed by the Shire Council and the Commission in-order to identify measures for subdivision and zoning.

The proposed scheme amendment has been developed considerate of recommendations of the Local Structure Plan.

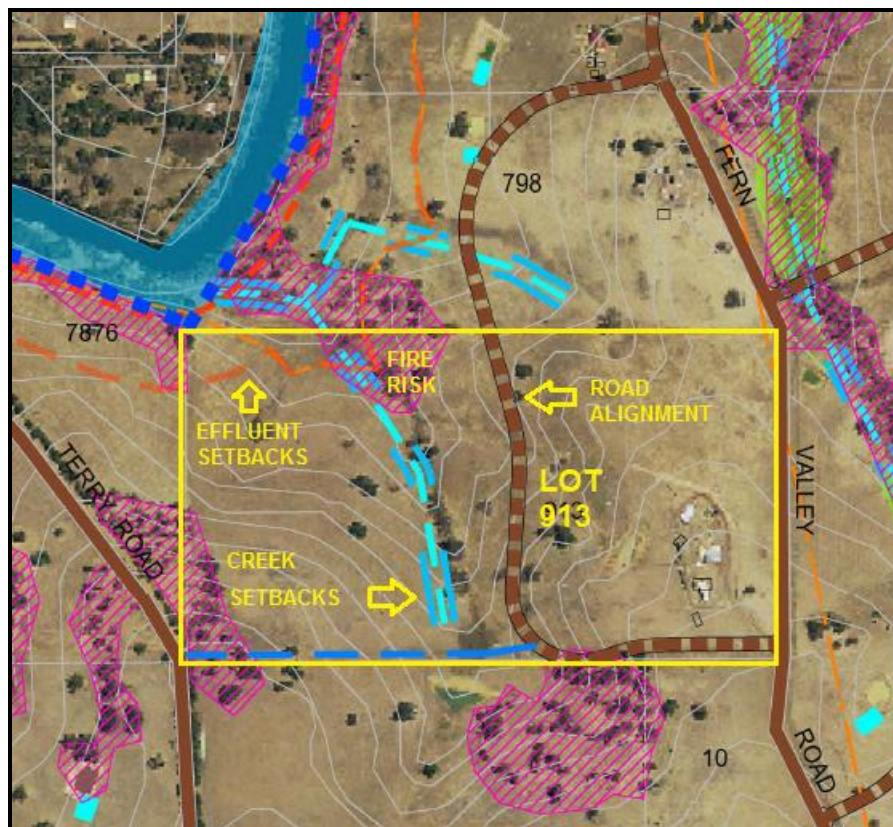
## **COMMENT**

The subject land is currently used for farming purposes and is developed with a residence and associated outbuildings. The land is best described as predominately cleared and

gently sloping from the south to the Blackwood River (north). A creek runs through the centre of the property.

The Lot 913 is proposed to be accessed by the Boyup Kojonup Road, Terry Road, Stanton Road and Fern Valley Road.

The following map illustrates opportunities and constraints for the subject Lot 913. Constraints include steep topography and buffers to bushfire prone vegetation, creeks and the Blackwood River. Opportunities include the potential for rural lots (min 4ha) with scenic views to the Blackwood River, a new road alignment and close proximity to the Boyup Townsite.



The amendment proposes to change the zoning in the scheme from the 'Rural' zone, to 'Rural Small Holding' zone.

In particular, the amendment proposes to include within the Shire's scheme, the following objective and conditions pertaining to the Lot 913 Fern Valley Road:

Objective

- 1) *The objective of the RSH2 zone is to primarily provide for residential development in a rural setting and secondly for rural pursuits, home based business and minor tourist uses.*

Conditions

- 2) *Prior to subdivision, a 'Local Structure Plan' is to be prepared and approved in accordance with Schedule 13 of the Scheme.*
- 3) *Subdivision and Development shall generally be in accordance with the endorsed Local Structure Plan.*
- 4) *The minimum lot sizes shall be 4ha.*
- 5) *Water management and drainage designs should incorporate the principles of water sensitive urban design.*
- 6) *At the subdivision stage, a winter site and soil evaluation is to be undertaken in accordance with AS1547 to determine capability/requirement for building and effluent disposal. The onsite disposal of effluent shall be approved by Council and the Health Department of WA. Effluent systems shall be designed and located to minimise nutrient export and or release into any waterway or groundwater.*
- 7) *Subdivision and development shall occur in accordance with a bushfire management plan and BAL contour plan endorsed for the subject land.*
- 8) *At the subdivision stage, a revegetation plan for areas adjacent to creeks and the Blackwood River is to be developed and implemented to the satisfaction of the Shire.*
- 9) *For subdivision of more than three lots, a contribution plan is to be developed for contributions to road and intersection upgrades that may be needed for the overall district structure plan 4 area.*
- 10) *At the development stage of a dwelling, a water tank with capacity to provide sufficient water for fire fighting purposes is to be developed in accordance with the bushfire management plan.*

Once the new proposed zoning and a local structure plan have been endorsed, an application can be made to subdivide the land into a minimum of 4ha lots.

It is recommended that the Council agree to adopt the scheme amendment for advertising purposes.

At the close of advertising, Council is given the opportunity to consider submissions and to finally adopt the scheme amendment (with or without mods) or to refuse to adopt the scheme amendment.

**STATUTORY OBLIGATIONS**

Local Planning Scheme No.2

Lot 913 is currently zoned 'Rural' under the terms of the Shire of Boyup Brook *Local Planning Scheme No 2*.

Clause 9.8.1 of the *Local Planning Scheme No 2* states:

- *The Council shall keep the Scheme under constant review and where appropriate carry out investigations and study with a view to maintaining the Scheme as an up-to-date and efficient means for pursuing community objectives regarding development and land use.*

Clause 9.8.2 of the *Local Planning Scheme No 2* states:



- *The Council may, from time to time, initiate an amendment to the Scheme in accordance with the Act and Regulations and shall give consideration to any application to have the Scheme amended.*

Scheme amendments undergo a statutory process in accordance with the *Planning and Development Act 2005* and *Planning and Development (Local Planning Schemes) Regulations 2015*.

Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* allows Council to prepare a standard scheme amendment.

Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015* identifies in what manner a scheme amendment must be prepared or adopted.

*35. Resolution to prepare or adopt amendment to local planning scheme*

*1. A resolution of a local government to prepare or adopt an amendment to a local planning scheme must be in a form approved by the Commission.*

*Note: Section 75 of the Act provides for a local government to amend a local planning scheme or adopt an amendment to a local planning scheme proposed by all or any of the owners of land in the scheme area.*

*2. A resolution must —*

*a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and*

*b) include an explanation of the reason for the local government forming that opinion.*

**POLICY IMPLICATIONS**

There are no policy implications relating to this item.

**CONSULTATION**

Statutory procedures following Council resolution to advertise a 'Standard' amendment include:

1. Referral to the Environmental Protection Authority to determine if environmental conditions need to be incorporated;
2. Advertising 42 days;
3. Council final adoption; and
4. Referral to the Western Australian Planning Commission requesting approval to adopt the 'Standard' amendment.

**BUDGET/FINANCIAL IMPLICATIONS**

N/A

**STRATEGIC IMPLICATIONS**

There are no strategic implications relating to this item.

**VOTING REQUIREMENTS**

Simple majority

**CONCLUSION**

The proposal is to amend the Shire of Boyup Brook *Local Planning Scheme 2* in order to enable the subdivision of Lot 913 Fern Valley Road to accommodate Rural Small Holding land uses.

The proposed amendment is in accordance with the Shire's *Local Planning Scheme No.2* and *Structure Plan Area No.4*, which identify the land as being appropriate for Rural Small Holding land uses.

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.3**

**MOVED: Cr Walker**

**SECONDED: Cr Rear**

That Council

Resolves to Adopt (for advertising purposes) the amendment to the *Local Planning Scheme 2* in accordance with regulations 35(1) and 35(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, as follows:

*Planning and Development Act 2005*

**RESOLUTION TO ADOPT AMENDMENT TO  
LOCAL PLANNING SCHEME**

*Shire of Boyup Brook Town Planning Scheme No.2*

Amendment No 17

Resolved that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme No.2 by:

- a) Rezoning Lot 913 Fern Valley Road, Boyup Brook from 'Rural' zone to 'Rural Small Holdings' zone;
- b) Including at Schedule 12 of the Shire of Boyup Brook Town Planning Scheme No. 2 'Rural Small Holdings Zones' a number of 'Permitted Uses and Conditions of Development' relevant to Lot 913 Fern Valley Road, Boyup Brook; and
- c) Amending the scheme maps accordingly.

The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- a) The amendment is consistent with a structure plan that has been approved under the scheme for the land to which the amendment relates;
- b) The amendment will have minimal impact on land in the scheme area that is not the subject of the amendment; and
- c) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.

Dated this 21 day of March 2019

Acting Chief Executive Officer \_\_\_\_\_

**CARRIED 6/0**

**Res 43/19**

Cr Kaltenrieder and Cr Alexander returned to the Chambers at 6.32pm

#### **9.3.4 Boyup Brook Early Learning Centre Age Range Extension**

Location:	N/A
Applicant:	N/A
File:	BBELC
Disclosure of Officer Interest:	Nil
Author:	Jimina Shaw - Sloan - ELC Director and Joanna Kaye - Research and Development Coordinator
Authorizing Officer:	Stephen Carstairs - Acting CEO
Attachments:	Yes - Boyup Brook Early Learning Centre Business Case

---

#### **SUMMARY**

The purpose of this report is for Council to consider the extension of the age range for children at the Boyup Brook Early Learning Centre (BBELC). The Centre has been in operation since July 2018 and currently caters for children 0 – 5 years. Children can currently attend up until the day before their 6th birthday.

Recently the BBELC has had several families ask if there was the possibility to potentially increase the age range of children at the Service to accommodate older children.

#### **BACKGROUND**

The BBELC liaised with its governing body, ECRU (Education and Care Regulatory Unit), to determine what implications the age range increase would have. ECRU advised that:

- it is a simple progress of updating the ECRU details online;
- there would be no additional cost; and
- there is however, an additional requirement of extending the BBELC Program (curriculum) to ensure the Service meets the needs of the older children, especially at rest time.

Alternative experiences for children who do not rest are already incorporated into the BBELC program, so this would need to be extended to cater for older children.

Further, ECRU recommended that the BBELC increase the range the Service is licensed for to 0 – 12 years of age (this is the maximum age range for childcare), and then the Service is able to determine internally what age range is appropriate for the Service and the Boyup Brook community.

Council received the below Briefing Note at the February 21 2019 meeting:

### **3.3 Early Learning Centre Update**

#### **Age Range**

The Service has responded to several community requests to increase the age range of the service. Currently the service caters for 0-5 years and children can attend up until the day before their sixth birthday. As an age range adjustment to 0-7 years (children can attend up until the day before their eighth birthday) is considered a change to the ELC Business Model, Jimina Shaw has prepared a Business Case for the proposed adjustment. The matter is scheduled to be brought to Council's March ordinary meeting.

#### **ELC parents survey**

Given that the service has been running for over six months it is timely to offer the community an opportunity to provide feedback. It is important to run a progress survey to ensure the service remains relevant and continues to meet the needs of the community. It is anticipated the survey will take three minutes to complete. This survey can be used as a benchmark when evaluating the service at the end of its trial period. It will be sent out to parents and promoted on the Shire website and facebook. The survey will be conducted through Survey Monkey - view survey here <https://www.surveymonkey.com/r/R5TRVHW>.

#### **Next Step**

- Once the Age Range Business Case has been approved it is hoped the age range will be extended and promoted (this will not really be relevant until next school holidays).

### **COMMENT**

The attached Business Case provides: the options of a variety of operational age ranges; the rational behind recommending 0 - 7 years; and outlines the benefits of extending the age range.

The BBELC progress survey closed 1 March 2019. The survey specifically addressed a potential age increase at the Service to 0 - 7 years, with children attending up until the day before their 8th birthday. From the 27 stakeholders engaged in the survey, representing both current service users and non-users, 81.48% of respondents were in support of the age increase.

It would seem reasonable that Council respond to the community's feedback and increase the age range with ECRU to 0-12 and operationally increase the age range at the Service to 0 - 7 years, with children able to attend up until the day before their 8th birthday.

### **CONSULTATION**

Education and Care Regulatory Unit

Community through the survey

### **STATUTORY OBLIGATIONS**

Nil.

### **POLICY IMPLICATIONS**

The BBELC's internal policies will need to be updated to reflect this change.

### **BUDGET/FINANCIAL IMPLICATIONS**

The implications for the 2018-19 Budget are not substantial. It is likely that this increase in the catchment of eligible BBELC attendees will have a positive impact on revenue by attracting new families during the school holidays.

### **STRATEGIC IMPLICATIONS**

Relevant excerpt from the Adopted Boyup Brook Strategic Community Plan 2017 - 2027.

**Social: Sense of Community**

**Our Vision:**

Our place will be a safe, caring and secure community. Our place will be an active and vibrant community.

We will have access to services and facilities that meet our requirements.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Sustainable community	Ensure a safe, secure community with access to services and facilities as needed.	<ul style="list-style-type: none"><li>+ Continue to work on retaining a Police Station in Boyup Brook.</li><li>+ Continue to encourage initiatives that provide employment opportunities.</li><li>+ Continue to provide and advocate for quality medical and ancillary services in Boyup Brook</li><li>+ Continue to advocate for the retention of schools from K to year 10 in Boyup Brook.</li><li>+ Continue to support development which provides diversity and opportunity for accommodation.</li></ul>
	Promote community participation, interactions and connections	<ul style="list-style-type: none"><li>+ Continue to support Community groups and clubs</li><li>+ Partner with key stakeholders on community needs driven projects.</li></ul>

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
Nil.
- **Economic**  
The extension of the age range may enable families to work during the school holidays and extend the economic capability of the community.
- **Social**  
The extension of the age range may enable families to work during the school holidays and have a positive social outcome for the community.

**VOTING REQUIREMENTS**

Simple majority.

**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 9.3.4**

**MOVED: Cr Oversby**

**SECONDED: Cr Rear**

**That Council:**

- 1. Authorise the increase in the Boyup Brook Early Learning Centre (BBELC) age range from 0-5 years to 0-12 years as recommended by the Education and Care Regulatory Unit, and operationally increase the age range at the BBELC Service to 0 - 7 years with children able to attend up until the day before their 8th birthday.**
- 2. Approve a trial period for the age extension until the beginning of the 2020 school year, subject to the BBELC Service continuing beyond its operational trial period ending July 2019.**

**CARRIED 8/0**

**Res 44/19**

**Impartiality Interest**

Cr O'Connell declared an impartiality interest in item 9.3.5 due to being on the CRC Committee.

**Impartiality Interest**

Cr Kaltenrieder & Cr Oversby & Cr Alexander declared an impartiality interest in item 9.3.5 - Interest in Common.

<b>9.3.5 Purple Bench Project</b>
-----------------------------------

Location:	N/A
Applicant:	N/A
File:	CRC
Disclosure of Officer Interest:	
Author:	Joanna Kaye - Research and Development Coordinator
Authorizing Officer:	Stephen Carstairs - Acting CEO
Attachments:	Yes - letter from the CRC requesting permission to paint the bench outside the CRC purple

---

**SUMMARY**

The purpose of this report is for Council to approve the Community Resource Centre (CRC) painting Council's bench seat outside of the CRC purple as part of the "Purple Bench Project".

**BACKGROUND**

The attached letter from the CRC was received 6 March 2019 and provides the background information for the request. The CRC would like to paint the bench outside the CRC building purple as part of the "Purple Bench Project". The Women's Council for Domestic and Family Violence Services (WA) has launched a series of purple benches in public spaces to honour all victims killed as a result of domestic and family violence.

**COMMENT**

Currently the bench seats around town are painted a uniform mission brown; however, some seats have been covered in artwork.

The attached letter advises that the CRC will cover all expenses associated with the bench, but as it is Shire property, they are requesting permission to proceed.

The bench in question has a plaque attached to it commemorating the first school building in Boyup Brook, and this plaque could be reattached to the bench once painted, or could be relocated to an alternative bench seat in town.

Having a purple bench outside of the CRC building will provide a permanent reminder that the CRC is a safe, welcoming and confidential space for women to visit with their children, with access and referrals to support agencies if required.

**CONSULTATION- Nil**

**STATUTORY OBLIGATIONS - Nil**

**POLICY IMPLICATIONS - Nil**

**BUDGET/FINANCIAL IMPLICATIONS - Nil**

**STRATEGIC IMPLICATIONS**

Relevant excerpt from the Adopted Boyup Brook Strategic Community Plan 2017 - 2027.

**Social:      Sense of Community**

**Our Vision:**

Our place will be a safe, caring and secure community. Our place will be an active and vibrant community.

We will have access to services and facilities that meet our requirements.

Our objectives and priorities are built from our outcomes.

OUTCOMES	OBJECTIVES	PRIORITIES
Sustainable community	Ensure a safe, secure community with access to services and facilities as needed.	<ul style="list-style-type: none"><li>+ Continue to work on retaining a Police Station in Boyup Brook.</li><li>+ Continue to encourage initiatives that provide employment opportunities.</li><li>+ Continue to provide and advocate for quality medical and ancillary services in Boyup Brook</li><li>+ Continue to advocate for the retention of schools from K to year 10 in Boyup Brook.</li><li>+ Continue to support development which provides diversity and opportunity for accommodation.</li></ul>
	Promote community participation, interactions and connections	<ul style="list-style-type: none"><li>+ Continue to support Community groups and clubs</li><li>+ Partner with key stakeholders on community needs driven projects.</li></ul>

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
Nil.
- **Economic**  
Nil.
- **Social**  
As stated in the *Comments* section in this report.

**VOTING REQUIREMENTS**

Simple majority.



**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 9.3.5**

**MOVED: Cr Oversby**

**SECONDED: Cr Alexander**

**That Council:**

- 1. Approve the CRC to paint the bench seat outside the CRC purple.**
- 2. Approve the relocation of the plaque commemorating the first school building in Boyup Brook, to an alternative bench seat.**

**CARRIED 8/0**

**Res 45/19**

**9.3.6 Delegation of Authority: Appointment of Ranger as Authorised Officer under Various Acts and Regulations**

Applicant:	N/A
File:	P/F
Disclosure of Officer Interest:	None
Date:	21 March 2018
Author:	Stephen Carstairs – Acting CEO
Authorizing Officer:	Stephen Carstairs – Acting CEO
Attachments:	Yes: Excerpts from various Acts and Regulations

---

**SUMMARY**

This report is for Council to consider ratifying the Acting CEO's 13 March 2019 re-appointment of Mr Calvin Brown as (Relief/Auxiliary) Ranger of the Shire of Boyup Brook, and to authorise Mr Brown to exercise on behalf of the local government the powers conferred on an authorised person by those Acts or Regulations as referred below in the *Background* section of this report and as attached.

**BACKGROUND**

Pursuant to the following Acts and Regulations, a local government shall, in writing appoint persons to exercise on behalf of the local government the powers conferred on an authorised person by those Acts and Regulations:

*Bush Fires Act 1954*

*Local Government (Miscellaneous Provisions) Act 1960, Part XX, Section 449 - Pound Keeper and Ranger*

*Local Government Act 1995, Part 3, Subdivision 3 – Powers of entry*

*Local Government Act 1995, Part 3, Subdivision 4 – Impounding abandoned vehicle wrecks and goods involved in certain contraventions*

*Local Government Act 1995, Part 9, Division 2 – Enforcement and legal proceedings*

*Dog Act 1976, Sections 29. Power to seize dog*

*Dog Act 1976, Division 2 – Dangerous dogs*

*Dog Act 1976, Division 4 – Control of nuisance*

*Dog Act 1976, Part VII - Enforcement*

*Cat Act 2011 Section 48*

*Control of Vehicles (Off Road Area) Act 1978, Section 38*

*Litter Act 1979, Section 26*

*Caravan Parks and Camping Grounds Act 1995, Section 17*

*Local Government (Parking for People with Disabilities) Regulations 2014*

*Shire of Boyup Brook Local Laws and Regulations*

### **COMMENT**

Mr Brown is an experienced past Ranger of the shire, having served in that role during the mid to late 1990's. Further, Mr Brown has made progress toward a formal Ranger qualification.

### **CONSULTATION**

Daly Winter – Community Emergency and Regulatory Services Manager, Steele Alexander – Manager of Works and Services and Kay Raisin – Acting Finance and HR Manager were consulted.

### **STATUTORY OBLIGATIONS**

*Authorisation is required under:*

*Bush Fires Act 1954*

*Local Government (Miscellaneous Provisions) Act 1960, Part XX, Section 449 - Pound Keeper and Ranger*

*Local Government Act 1995, Part 3, Subdivision 3 – Powers of entry*

*Local Government Act 1995, Part 3, Subdivision 4 – Impounding abandoned vehicle wrecks and goods involved in certain contraventions*

*Local Government Act 1995, Part 9, Division 2 – Enforcement and legal proceedings*

*Dog Act 1976, Sections 29. Power to seize dog*

*Dog Act 1976, Division 2 – Dangerous dogs*

*Dog Act 1976, Division 4 – Control of nuisance*

*Dog Act 1976, Part VII - Enforcement*

*Cat Act 2011 Section 48*

*Control of Vehicles (Off Road Area) Act 1978, Section 38*

*Litter Act 1979, Section 26*

*Caravan Parks and Camping Grounds Act 1995, Section 17*

*Local Government (Parking for People with Disabilities) Regulations 2014*

*Shire of Boyup Brook Local Laws and Regulations*

**POLICY IMPLICATIONS**

Nil

**BUDGET/FINANCIAL IMPLICATIONS**

Provision was made in Council's 2018-19 Adopted Annual Budget for Ranger wages.

**STRATEGIC IMPLICATIONS**

Shire of Boyup Brook Strategic Community Plan states:

Outcome: Growing Our Community Together – A place that is safe and secure.

**SUSTAINABILITY IMPLICATIONS**

➤ **Environmental**

N/A

➤ **Economic**

N/A

➤ **Social**

Refer to the *Strategic Implications* section in this report.

**VOTING REQUIREMENTS**

Simple majority.

**COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 9.3.6**

**MOVED:** Cr Moir

**SECONDED:** Cr Alexander

**That Council:**

1. **Ratifies the Acting CEO's 13 March 2019 re-appointment of Mr Calvin Brown as (Relief/Auxiliary) Ranger of the Shire of Boyup Brook, and authorises Mr Brown to exercise on behalf of the local government the powers conferred on an authorised person by Western Australian Acts and Regulations and Shire of Boyup Brook Local Laws and Regulations as follows:**

***Bush Fires Act 1954***

***Local Government (Miscellaneous Provisions) Act 1960, Part XX, Section 449 - Pound Keeper and Ranger***

***Local Government Act 1995, Part 3, Subdivision 3 – Powers of entry***

***Local Government Act 1995, Part 3, Subdivision 4 – Impounding abandoned vehicle wrecks and goods involved in certain contraventions***

***Local Government Act 1995, Part 9, Division 2 – Enforcement and legal proceedings***

***Dog Act 1976, Sections 29. Power to seize dog***

***Dog Act 1976, Division 2 – Dangerous dogs***

***Dog Act 1976, Division 4 – Control of nuisance***

***Dog Act 1976, Part VII - Enforcement***

***Cat Act 2011 Section 48***

***Control of Vehicles (Off Road Area) Act 1978, Section 38***

***Litter Act 1979, Section 26***

***Caravan Parks and Camping Grounds Act 1995, Section 17***

***Local Government (Parking for People with Disabilities) Regulations 2014***

***Shire of Boyup Brook Local Laws and Regulations***

2. Directs the Acting CEO to confer the abovementioned authorities on Mr Calvin Brown in writing, and have them published in the State Government Gazette.

**CARRIED 7/1**

**Res 46/19**

### 9.3.7 Budget Amendment and Use of Common Seal – Purchase of Saleyards Land

Location:	Boyup Brook townsite outskirts
Applicant:	N/a
File:	Reserve 33552
Disclosure of Officer Interest:	None
Date:	15 March 2019
Author:	Stephen Carstairs (Acting CEO)
Authorizing Officer:	Stephen Carstairs (Acting CEO)
Attachments:	Yes: Copy of FORM LLA-1056A TRANSFER OF LAND

#### **SUMMARY**

A common seal is a stamp that organisations use to execute documents. The shire's Policy A10 *Use of Common Seal and the Signatories for Contract Execution* prescribes the format for affixing the shire's common seal to a document.

The purpose of this report is to bring back to Council the *Reserve 33552 - Saleyards – Purchase to develop for industrial uses* matter, as the results of Council's decision were not recorded in the minutes of the 20 September 2018 ordinary meeting of Council.

The FORM LAA-1056A *TRANSFER OF LAND (T)* document (refer attached) requires that the shire's common seal is affixed to it.

#### **BACKGROUND**

In report 11.1 *Reserve 33552 - Sale yards - Purchase to develop for industrial uses*, at its 20 September 2018 ordinary meeting, it was recommended to Council as follows:

*"That Council approve:*

- 1. amendment of the 2018/19 Budget by transferring the \$175,000 provision for the Multi Function Culture Hub, to come from Reserve Funds, to Saleyards land purchase and development as a light industrial/commercial estate.*
- 2. the CEO actioning Council's previous decision to purchase the saleyards land from the Department of Planning, Lands and Heritage.*
- 3. the Shire Seal being affixed to documents relevant to the purchase and land transfer."*

The minutes of that September meeting, however, do not show what was decided by Council at the time i.e. the record shows that neither the vote results nor resolution identification number were recorded.

The *Local Government Act 1995* provides that the local government (interpreted to be Council and so by resolution at a meeting) has to approve the seal to be affixed to a

document in the presence of the President and CEO, each of whom is to sign the document to attest that the common seal was so affixed.

Council's Policy A.10 on the matter of affixing the shire's common seal largely duplicates the legislation.

#### **COMMENT**

A common seal is like the signature of the organisation (the legal entity), and so the affixing of it to a document is to be witnessed by prescribed people associated with the organisation.

Council's Policy A.10 sets out how the document is to be completed as follows:

*The common seal of Shire of Boyup Brook was hereunto affixed and signed by the authority of a resolution of the Council in the presence of:*

---

*Shire President*

---

*Chief Executive Officer*

The seal imprint is placed adjacent to the two signatures.

#### **CONSULTATION**

Minutes of the 20 September 2018 ordinary meeting of Council.

#### **STATUTORY OBLIGATIONS**

The Local Government Act provides as follows:

9.49A. *Execution of documents*

- (1) *A document is duly executed by a local government if —*
  - a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
  - b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
  - a) *the mayor or president; and*
  - b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*

- (6) *A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) *When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

*[Section 9.49A inserted by No. 17 of 2009 s. 43.]*

*9.49B. Contract formalities*

- (1) *Insofar as the formalities of making, varying or discharging a contract are concerned, a person acting under the authority of a local government may make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract was made, varied or discharged by a natural person.*
- (2) *The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the local government concerned and other parties to the contract.*
- (3) *Subsection (1) does not prevent a local government from making, varying or discharging a contract under its common seal.*

*[Section 9.49B inserted by No. 17 of 2009 s. 43.]*

*9.49. Documents, how authenticated*

*A document, is, unless this Act requires otherwise, sufficiently authenticated by a local government without its common seal if signed by the CEO or an employee of the local government who purports to be authorised by the CEO to so sign.*

*5.43. Limits on delegations to CEO <sup>29</sup>*

*A local government cannot delegate to a CEO any of the following powers or duties —*

- a) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*

**POLICY IMPLICATIONS**

Policy A10 *Use of Common Seal and the Signatories for Contract Execution* has application.

**BUDGET/FINANCIAL IMPLICATIONS**

The 2018/19 budget was to have provided for this purchase but its inclusion was missed in error.

The budget does however provide for a Multi Function Culture Hub which relies on grant funding (\$525,000 of the \$1.05M total provision) and community group contributions totalling \$175,000. Given that the site has not been selected, community group funding has not been secured and grant processes, especially for large sums, normally involve more than one financial year, it is unlikely that this project could be completed within the current year, as provided for in the budget. This project relies on a Shire contribution of \$175,000, from reserve funds and a loan of \$175,000.



It is recommended that the \$175,000 provision from Shire Reserve funds be moved from this project to the Saleyards project to facilitate the purchase of land.

**STRATEGIC IMPLICATIONS**

This project will better provide for small business ventures which might be classed a light industry or commercial.

**SUSTAINABILITY IMPLICATIONS**

- **Environmental**  
There are no known significant environmental issues.
- **Economic**  
Any new business in is likely to spend at least a portion of its annual expenditure in Boyup Brook as will the owner and any employees. It is expected that some of the business' trade would come from Boyup Brook residents cycling more funds within the community.
- **Social**  
Any new business is expected to bring with it opportunities for the schools, clubs and associations.

**VOTING REQUIREMENTS**

Absolute majority

**COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 9.3.7**

**MOVED: Cr Walker**

**SECONDED: Cr Alexander**

**That Council approve:**

- 1. An amendment to the 2018/19 Budget by transferring the \$175,000 provision for the Multi Function Culture Hub, coming from Reserve funds, to Saleyard land purchase and development as a light industrial/commercial estate.**
- 2. The Acting CEO actioning Council's previous decision to purchase Reserve 33552 (the saleyards land) from the Department of Planning, Lands and Heritage, and the shire's seal being affixed to documents relevant to the purchase and land transfer.**

**CARRIED BY ABSOLUTE MAJORITY 7/1**

**Res 47/19**

**COUNCIL DECISION**

**MOVED: Cr Alexander**

**SECONDED: Cr Walker**

**That the Council adopts enbloc 10.1.1 and 10.1.2.**

**CARRIED 8/0**

**Res 48/19**

**10 COMMITTEE MINUTES**

**10.1.1 Minutes of the Swimming Pool Committee**

Location:	N/A
Applicant:	N/A
File:	n/a
Disclosure of Officer Interest:	Nil
Date:	15 March 2019
Author:	Stephen Carstairs - A/CEO
Attachments:	Yes – Minutes

---

**BACKGROUND**

The Swimming Pool Committee meeting was held on 11th March 2019.  
Minutes of the meeting are attached.

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.1.1**

**That the minutes of the Swimming Pool Committee meeting be received.**

**CARRIED BY ENBLOC**

**Res 49/19**

**10.1.2 Minutes of the Community Grants Committee**

Location:	N/A
Applicant:	N/A
File:	n/a
Disclosure of Officer Interest:	Nil
Date:	9 May 2017
Author:	Stephen Carstairs-A/CEO
Attachments:	Yes – Minutes

---

**BACKGROUND**

The Community Grants Committee meeting was held on 5th March 2019.

Minutes of the meeting are attached.

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.1.2**

That the minutes of the Community Grants Committee meeting be received.

**CARRIED BY ENBLOC**

**Res 50/19**

**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**11.1.1 Cr O'Connell - Notice of Motion**

**MOVED: Cr O'Connell**

**SECONDED: Cr Rear**

1. That an 'Acknowledgement of Country' be included at all Shire of Boyup Brook Council and Committee meetings.
2. That the wording of the acknowledgement be: 'We acknowledge the Noongar People as the Traditional Custodians of the land on which we are gathered, and pay our respects to their Elders both past, present and emerging.'

**LOST 4/5**

**Res 51/19**

The Shire President had the casting vote

**Request for Vote to be recorded**

Cr O'Connell requested that the vote of all Councillors be recorded.

<b>FOR</b>	<b>AGAINST</b>
Cr O'Connell	Cr Aird
Cr Rear	Cr Walker
Cr Alexander	Cr Moir
Cr Oversby	Cr Kaltenrieder

**11.1.2 Cr O'Connell - Notice of Motion**

**MOVED: Cr O'Connell**

**SECONDED: Cr Alexander**

**"That the maintenance of the gazebos and verandah at the Yac Shack within Sandakan Park be included as a Budgetary Consideration for the 2019 – 2020 financial year."**

**CARRIED 7/1**

**Res 52/19**

**11.1.3 Cr O'Connell - Notice of Motion**

**MOVED: Cr O'Connell**

**SECONDED: Cr Oversby**

**"That a fenced Children's Play area at Sandakan Park be included as a Budgetary Consideration for the 2019 – 2020 financial year, and for the CEO to investigate grant opportunities for this project."**

**Comment:**

**The Shire of Boyup Brook does not have a fenced Children's Play area for public use. The playground at Sandakan is bordered by 3 roads and a carpark, which presents safety concerns for supervision of young children.**

**CARRIED 6/2**

**Res 53/19**

**MOVED INTO COMMITTEE**

**MOVED: Cr Aird**

**SECONDED: Cr Walker**

**That the Council move into a committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.to allow members free discussion on the matter.**

**CARRIED 8/0**

**Res 54/19**

**MOVED OUT OF COMMITTEE**

**MOVED: Cr Oversby**

**SECONDED: Cr Kaltenrieder**

**That the Council moves out of committee of the whole under clause 15.6 of the Standing Orders, Local Law No.1.**

**CARRIED 8/0**

**Res 55/19**

**11.1.4 Cr Walker - Notice of Motion**

**"That Council establish a Biosecurity Committee comprising \_\_\_\_\_ councillors and \_\_\_\_\_ community members to advise Council on matters of plant and animal pests. That Council develop a policy for Biosecurity in consultation with the committee."**

**AMENDMENT**

**MOVED: Cr Walker**

**SECONDED: Cr Alexander**

**"That Council establish a Biosecurity Committee comprising of Cr Aird, Cr O'Connell, Cr Alexander, Cr Rear, Cr Moir, Cr Kaltenrieder, Cr Oversby and Cr Walker to advise Council on matters of plant and animal pests.**

**That Council develop a policy for Biosecurity in consultation with the committee."**

**CARRIED 8/0**

**Res 56/19**

**MOTION**

**"That Council establish a Biosecurity Committee comprising of Cr Aird, Cr O'Connell, Cr Alexander, Cr Rear, Cr Moir, Cr Kaltenrieder, Cr Oversby and Cr Walker to advise Council on matters of plant and animal pests.**

**That Council develop a policy for Biosecurity in consultation with the committee."**

Neil Derrick left the Chambers at 7.11pm.

**12 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT**

Nil

**13 CONFIDENTIAL MATTERS - BEHIND CLOSED DOORS**

<b>13.1.1 Budget Amendment - Gratuitous payment to Mrs Audrey Smith</b>
---

**MOVED: Cr Aird**

**SECONDED: Cr Oversby**

**That Council, in consideration of her 0.6 FTE role at the time of terminating her employment with the Shire, make 60% of the maximum gratuitous payment allowable to Mrs Audrey Smith.**

**CARRIED 7/1**

**Res 57/19**

**Declared a Financial Interest**

Cr Oversby declared a financial interest in item 13.1.2 due to being a contractor at the Transfer Station and left the Chambers at 7.15pm.

**13.1.2 Review - Boyup Brook Transfer Station**

**MOVED: Cr Walker**

**SECONDED: Cr Moir**

**That Council:**

- 1. Receive the 01 March 2019 LGIS Waste Transfer Station Facility report.**
- 2. Direct the Acting CEO to address the recommendations of the LGIS Waste Transfer Station Facility report, specifically:**
  - Review the role and Position Description of the Waste Management Officer;**
  - Review the amenities provided to the Waste Management Officer such as: provision of cool drinking water; and provision of an (control point) office space to provide security for financial management, and storage for emergency and safety equipment;**
  - Review: vehicle movement and parking; and directional signage across the station;**
  - In association with the Boyup Brook Lions Club place restrictions on the collection and sale of items from the recycling shop i.e. reduce stockpiled items so as to minimise slip, trip and fall hazards for the public and shop attendants.**
  - Control, monitor and review external hazards e.g. shop water diversion hump, concrete panels and trees adjacent to buildings, while maintaining waste management service provision to the shire, and report to Council at its April 2019 ordinary meeting progress made on the abovementioned actions .**

**CARRIED 7/0**

**Res 58/19**

Cr Oversby returned to the Chambers at 7.25pm

**13.1.3 Caveat on property (A13090) in lieu of non-payment of outstanding rates**

**MOVED: Cr Rear**

**SECONDED: Cr O'Connell**

**That Council directs the Acting CEO to take action, in accord with section 6.64 (3) of the *Local Government Act 1995*, and places a caveat on property A13090.**

**CARRIED 8/0**

**Res 59/19**

**13.1.4 Sale of property (A3090) in lieu of non-payment of outstanding rates**

**MOVED: Cr Rear**

**SECONDED: Cr O'Connell**

**That Council directs the Acting CEO to take action, in accord with section 6.64 (1) of the *Local Government Act 1995* and associated regulations, and sell property A3090.**

**CARRIED 8/0**

**Res 60/19**

**14 CLOSURE OF MEETING**

There being no further business the Shire President, Cr Aird thanked all for attending and declared the meeting closed at 7.30pm.

I certify that these Minutes were confirmed at the Ordinary Meeting of Council held on Thursday, .....

.....  
Presiding Member

.....  
Date